

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

TONY ANTHONY PITTS,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.:0:06-2888
)	
STATE OF SOUTH CAROLINA;)	
LEVERN COHEN, Warden, Ridgeland)	
Correctional Institution,)	
)	
Respondents.)	
_____)	

ORDER

Petitioner filed the instant action for habeas relief pursuant to 28 U.S.C. § 2254. This petition was transferred to this Court from the Eastern District of Virginia on October 4, 2006. (Doc. #3). Respondents filed a motion for summary judgment on February 1, 2007. (Docs. #11, 12). Petitioner filed his response on April 9, 2007. (Doc. #20).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant on April 26, 2007. (Doc. #22). In the Report, Magistrate Judge Marchant recommends that Respondents’ motion for summary judgment be granted and the habeas petition be dismissed with prejudice. Both Petitioner and Respondents have filed objections to the Report. (Docs. #23, 24).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or

specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report, the objections thereto, and the relevant filings in this case, the Court accepts the Report. (Doc. # 22). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that Respondents' Motion for Summary Judgment is **GRANTED** and the habeas petition **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

August 21, 2007
Florence, South Carolina